

APR 3 2001

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April 3, 2001

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
Washington, DC 20554

Re: **In the Matter of MADISON TELEPHONE COMPANY and
GALLATIN RIVER COMMUNICATIONS, LLC
Joint Petition for Waiver of the Definition of
"Study Area" in the Appendix-Glossary of Part 36**

CC Docket No. 96-45
DA 01-566

Ex parte Presentation to Supplement the Record

Dear Ms. Salas:

On behalf of Madison Telephone Company and Gallatin River Communications, LLC, counsel submits herewith the Interim Order of the Illinois Commerce Commission, confirming that the responsible state commission has no objection to grant of the subject petition.

The record now being complete, Petitioners respectfully request expedited grant of the requested waiver of the Part 36 definition of "Study Area," a necessary prerequisite to consummation of the proposed transaction.

Please refer any questions to this office.

Respectfully submitted,


Sylvia Lesse

cc: Attached Service List

No. of Copies rec'd 0+2
List A B C D E

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION

MAR 30 2001

March 28, 2001

Re: 01-0071
Interim Order

Dear Sir/Madam:

Enclosed is a copy of the Order entered by this Commission.

Sincerely,

A handwritten signature in cursive script that reads "Donna M. Caton".

Donna M. Caton
Chief Clerk

Enc.

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Gallatin River Communications,	:	
L.L.C. and Madison Telephone	:	
Company	:	01-0071
	:	
Verified Joint Petition and	:	
Application filed by Gallatin River	:	
Communications, L.L.C. and	:	
Madison Telephone Company.	:	

INTERIM ORDER

By the Commission:

On January 26, 2001, Gallatin River Communications, L.L.C. ("Gallatin") and Madison Telephone Company ("Madison") (collectively, "Joint Petitioners") filed with the Illinois Commerce Commission ("Commission") a verified Joint Petition and Application seeking the approvals required from the Commission to allow Gallatin to sell to Madison the telecommunications properties and related assets used in the provision of telecommunications services in the Staunton and Livingston Exchanges and seeking other approvals and relief.

Pursuant to due notice, a status hearing was held in this matter before a duly authorized Hearing Examiner at the offices of the Commission in Springfield on February 15, 2001. Commission Staff ("Staff") and counsel on behalf of the Joint Petitioners entered an appearance. No other appearances were entered. In addition to establishing a schedule for this docket, the parties discussed the entry of an interim order for the purpose of facilitating Joint Petitioners' proceeding before the Federal Communications Commission ("FCC"). On March 14, 2001, Joint Petitioners filed a verified Motion For Entry Of Interim Order ("Motion") in this docket. Attached to the Motion is a copy of a Joint Petition For Waiver, which Joint Petitioners have filed with the FCC seeking a "Study Area" Waiver, which upon closing of the asset sale transaction would allow Madison to include the Staunton and Livingston Exchanges within Madison's existing Study Area and would remove those Exchanges from Gallatin's Study Area.

Joint Petitioners' Motion represents that the FCC will not finalize processing and consideration of the request contained in a Joint Petition For Waiver until such time as they receive from this Commission either an order or letter indicating that the Commission has no objection to the granting of the Study Area Waiver. Joint Petitioners' Motion requests that the Commission enter an interim order indicating that the Commission has no objection to the requested Study Area Waiver being sought

from the FCC so as to allow the state and federal regulatory approval processes to proceed in parallel.

The Motion further represents that the proposed transaction can not be closed and completed until all necessary regulatory approvals are received from this Commission and the FCC, including the Study Area Waiver. Because the transaction can not be completed until all necessary approvals are received, Joint Petitioners assert that entry of the requested interim order will in no way prejudice or restrict the Commission's consideration and review of the Joint Petition and Application. Along with the Motion, Joint Petitioners submitted a proposed interim order. Staff has no objection to the Study Area Waiver that the Joint Petitioners seek from the FCC or the entry of the interim order requested in this docket.

In light of the above, the Commission finds that the Joint Petitioners' request for an interim order is reasonable and should be granted so as to allow the state and federal regulatory approval processes to proceed in parallel. The Commission will carefully review and consider the entire record of this proceeding with regard to each of the approvals sought in the verified Joint Petition and Application. Those approvals are a prerequisite to the closing of the proposed transaction and, in turn, the relevance of any Study Area Waiver granted by the FCC. The Commission concludes that the Joint Petitioners' request for a Study Area Waiver is reasonable and does not object to the granting of the requested waiver by the FCC.

The Commission, being fully advised in the premises, is of the opinion and finds that:

- (1) Gallatin and Madison are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and are providing telecommunications services as defined in Section 13-203 of the Act;
- (2) the Commission has jurisdiction over the parties hereto and of the subject matter hereof;
- (3) Joint Petitioners' Motion is reasonable and should be granted; and
- (4) as stated in the prefatory portion of this Interim Order, the Commission has no objection to the FCC granting the Study Area Waiver sought by the Joint Petitioners in the Joint Petition For Waiver filed with the FCC.

IT IS THEREFORE ORDERED that the Motion For Entry of Interim Order filed by Gallatin River Communications, L.L.C. and Madison Telephone Company is granted.

IT IS FURTHER ORDERED that this is not a final order and is not subject to the Administrative Review Law.

By order of the Commission this 27th day of March, 2001.

(SIGNED) RICHARD L. MATHIAS

Chairman

(S E A L)



MAR 30 2001

ILLINOIS COMMERCE COMMISSION

March 28, 2001

Re: 01-0071
Interim Order

TO ALL PARTIES OF INTEREST:

Enclosed is a copy of the Memorandum from the Hearing Examiner to the Commission regarding recommended action at the Regular Open Meeting on March 27, 2001. The Order presented to the Commission was entered with no changes and therefore, is not enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Donna M. Caton".

Donna M. Caton
Chief Clerk

DMC:bjs
Enclosure

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File Copy

Docket No.: 01-0071
R. O. M. Date: 03-27-01
Deadline: N/A

MEMORANDUM

TO: The Commission
FROM: John D. Albers, Hearing Examiner
DATE: March 19, 2001

RECEIVED
MAR 21 2001

ILLINOIS COMMERCE COMMISSION
CHIEF CLERK'S OFFICE

SUBJECT: Gallatin River Communications, L.L.C. and Madison Telephone Company

Verified Joint Petition and Application filed by Gallatin River Communications, L.L.C. and Madison Telephone Company.

RECOMMENDATION: Enter the attached Interim Order.

Gallatin River Communications, L.L.C. ("Gallatin") and Madison Telephone Company ("Madison") (collectively, "Joint Petitioners") filed a verified Joint Petition and Application seeking the necessary approvals to allow Gallatin to sell to Madison the telecommunications properties and related assets used in the provision of telecommunications services in the Staunton and Livingston Exchanges. In conjunction with this transaction, the Joint Petitioners also filed with the Federal Communications Commission ("FCC") a Joint Petition For Waiver, which upon closing of the asset sale transaction would allow Madison to include the Staunton and Livingston Exchanges within Madison's existing Study Area and would remove those Exchanges from Gallatin's Study Area.


Joint Petitioners assert that the FCC will not finalize processing and consideration of the request contained in the Joint Petition For Waiver until it is confirmed that this Commission has no objection to the granting of the Study Area Waiver. Joint Petitioners request that the Commission enter an interim order indicating that the Commission has no objection to the requested Study Area Waiver being sought from the FCC so as to allow the state and federal regulatory approval processes to proceed in parallel. Staff does not object to the request.

The attached Interim Order concludes that the Commission will not be disadvantaged by granting Joint Petitioners' request and states that the Commission has no objection to the requested Study Area Waiver. Joint Petitioners ask for expedited consideration of this request.

JDA

CERTIFICATE OF SERVICE

I, Nancy Wilbourn, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that a copy of the foregoing "Ex Parte Presentation to Supplement the Record" was served on this 3rd day of April, 2001 by first class, U.S. mail, postage prepaid or by hand delivery to the following parties:


Nancy Wilbourn

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